

APPEAL, MAG

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10010-PBS-ALL**

Case title: USA v. Dwinells

Date Filed: 01/14/2004

Assigned to: Judge Patti B. Saris

Defendant

Matthew Dwinells (1)
TERMINATED: 03/09/2006

represented by **Syrie D. Fried**
Federal Defender's Office
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender
Appointment*

Pending Counts

18:2422(b)COERCION OR
ENTICEMENT OF FEMALE
(1-3)

Disposition

18:2422.F (b)-ATTEMPTED
COERCION AND

Defendant was found guilty after a plea of not guilty. Defendant committed to the custody of the US Bureau of Prisons to be imprisoned for a total term of 51 months. The Court makes a recommendation to FMC Devens for the Sec Offender Treatment Program, mental health counseling, and if available, drug

ENTICEMENT
(1s-3s)

abuse treatment program (not the 500 hour program). Defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of 24 months with conditions (mental health treatment, drug abuse treatment). The \$500.00 Special Assessment is due immediately.

18:2252(a)(2)Receipt of child
pornography
(4)

Defendant committed to the custody of the US Bureau of Prisons to be imprisoned for a total term of 51 months. The Court makes a recommendation to FMC Devens for the Sec Offender Treatment Program, mental health counseling, and if available, drug abuse treatment program (not the 500 hour program). Defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of 24 months with conditions (mental health treatment, drug abuse treatment). The \$500.00 Special Assessment is due immediately.

18:2252 F.(a)(2)-RECEIPT OF
CHILD PORNOGRAPHY
(4s)

18:2252(a)(4)(B) - POSSESSION
OF CHILD PORNOGRAPHY
(5)

Defendant committed to the custody of the US Bureau of Prisons to be imprisoned for a total term of 51 months. The Court makes a recommendation to FMC Devens for the Sec Offender

18:2252 F.(a)(4)(B)-
POSSESSION OF CHILD
PORNOGRAPHY
(5s)

Treatment Program, mental health counseling, and if available, drug abuse treatment program (not the 500 hour program). Defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of 24 months with conditions (mental health treatment, drug abuse treatment). The \$500.00 Special Assessment is due immediately.

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Disposition

Plaintiff

USA

represented by **Dena T. Sacco**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
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617-748-3304
TERMINATED: 06/29/2005
LEAD ATTORNEY

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LEAD ATTORNEY

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Date Filed	#	Docket Text
01/14/2004	<u>1</u>	INDICTMENT as to Matthew Dwinells (1) count(s) 1-3, 4, 5. (Smith3, Dianne) (Entered: 01/15/2004)
01/14/2004	<u>2</u>	Judge Patti B. Saris : ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: for pretrial as to Matthew Dwinells (Catino, Theresa) (Entered: 01/16/2004)
01/22/2004	<u>2</u>	Summons Issued as to Matthew Dwinells; Arraignment set for 2/5/2004 11:00 AM in Courtroom 16 before Magistrate Judge Charles B. Swartwood. Initial Appearance set for 2/5/2004 11:00 AM in Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 01/22/2004)
02/05/2004	<u>3</u>	Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Matthew Dwinells (1) Count 1-3,4,5 held on 2/5/2004, Initial Appearance as to Matthew Dwinells held on 2/5/2004, Not Guilty Plea entered by Matthew Dwinells (1) on Counts 1-3,4,5. (11:09 A, 2:16 P.) (Roland, Lisa) (Entered: 02/10/2004)

02/05/2004	94	CJA 23 Financial Affidavit by Matthew Dwinells (Roland, Lisa) (Entered: 02/10/2004)
02/05/2004	95	Judge Charles B. Swartwood : ORDER Setting Conditions of Release (Roland, Lisa) (Entered: 02/10/2004)
02/05/2004	96	NOTICE OF HEARING as to Matthew Dwinells; Status Conference set for 3/18/2004 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 02/10/2004)
02/05/2004	97	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Matthew Dwinells; Time excluded from February 5, 2004 until February 19, 2004, cc/cl. (Roland, Lisa) (Entered: 02/10/2004)
02/05/2004	98	Judge Charles B. Swartwood : SCHEDULING ORDER as to Matthew Dwinells, cc/cl. (Roland, Lisa) (Entered: 02/10/2004)
02/05/2004	12	Judge Charles B. Swartwood :ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Matthew Dwinells; Syrie D. Fried for Matthew Dwinells appointed. (Roland, Lisa) (Entered: 03/19/2004)
02/23/2004		Mail Returned as Undeliverable. Certified Mail sent to Matthew Dwinells as to Matthew Dwinells (Jones, Sherry) (Entered: 02/23/2004)
03/09/2004	99	NOTICE OF ATTORNEY APPEARANCE Dena T. Sacco appearing for USA. (Patch, Christine) (Entered: 03/10/2004)
03/11/2004	10	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Matthew Dwinells (Patch, Christine) (Entered: 03/16/2004)
03/18/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Matthew Dwinells held on 3/18/2004. Case called, Counsel (Gotovvi, Fried) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (2:04 p.) (Roland, Lisa) (Entered: 03/18/2004)
03/19/2004	11	Judge Charles B. Swartwood : STATUS REPORT as to Matthew Dwinells; Status Conference set for 5/25/2004 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 03/19/2004)
03/19/2004	13	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Matthew Dwinells; Time excluded from

		February 19, 2004 until May 25, 2004, cc/cl. (Roland, Lisa) (Entered: 03/19/2004)
05/25/2004	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Matthew Dwinells held on 5/25/2004. Case called, Counsel (Sacco, Fried) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (1:58 P.) (Roland, Lisa) (Entered: 05/28/2004)
05/26/2004	●14	Judge Charles B. Swartwood : STATUS REPORT as to Matthew Dwinells; Status Conference set for 9/9/2004 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 06/07/2004)
05/26/2004	●15	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Matthew Dwinells; Time excluded from May 25, 2004 until September 9, 2004, cc/cl. (Roland, Lisa) (Entered: 06/07/2004)
08/06/2004	●17	Pretrial Services petition re: violation of conditions of release as to Matthew Dwinells (Simeone, Maria) (Entered: 08/26/2004)
08/10/2004	●16	Ex Parte MOTION as to Matthew Dwinells by USA. (Patch, Christine) (Entered: 08/16/2004)
08/26/2004	●	electronic Clerk's Notes for proceedings held before Judge Lawrence P. Cohen :Initial Appearance as to Matthew Dwinells held on 8/26/2004; Dena Saco for Govt; Miriam Conrad standing in for Syrie Fried; court goes over charges and rights; govt moves for detention; Deft is remanded to the custody of the US Marshal pending final revocation hearing; Detention Hearing set for 8/31/2004 10:00 AM in Courtroom 23 before Magistrate Judge Charles B. Swartwood. (Court Reporter digital.) (Simeone, Maria) (Entered: 08/26/2004)
08/30/2004	●18	Arrest Warrant Returned Executed on 8/26/04 as to Matthew Dwinells. (Patch, Christine) (Entered: 08/31/2004)
09/08/2004	●19	FIRST SUPERSEDING INDICTMENT as to Matthew Dwinells (1) count(s) 1s-3s, 4s, 5s. (Diskes, Sheila) (Entered: 09/09/2004)
09/08/2004	●20	Judge Patti B. Saris : ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: PRETRIAL as to Matthew Dwinells (Diskes, Sheila)

		(Entered: 09/09/2004)
09/13/2004	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Matthew Dwinells (1) Count 1s-3s,4s,5s held on 9/13/2004, Case called, Counsel (Sacco, Gottovi, Fried), PTS Brown & Dft appear, Dft informed of rights and charges, Not Guilty Plea entered by Matthew Dwinells as to counts 1-5, Detention Hearing as to Matthew Dwinells held on 9/13/2004, Government offers Pretrial Memos as Exh # 1 & 2, Government argues for detention, Dft requests short continuance to 9/20/2004 @ 2:30, Preliminary Revocation Hearing as to Matthew Dwinells held on 9/13/2004, Status Conference as to Matthew Dwinells held on 9/13/2004, Counsel request additional time, Case continued, Time to be excluded, Dft remanded to the custody of the US Marshal (11:37 A.) (Roland, Lisa) (Entered: 09/13/2004)
09/13/2004	21	Judge Charles B. Swartwood : STATUS REPORT as to Matthew Dwinells; Status Conference set for 10/13/2004 09:30 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 09/15/2004)
09/13/2004	22	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Matthew Dwinells; Time excluded from September 9, 2004 until October 13, 2004, cc/cl. (Roland, Lisa) (Entered: 09/15/2004)
09/20/2004	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Detention Hearing as to Matthew Dwinells held on 9/20/2004. Case called, Counsel (Casey, Fried), PTS Cuascut & Dft appear, Dft assents to an order of detention but reserves his right to a hearing in the future, Dft remanded to the custody of the US Marshal. (3:00 pm.) (Roland, Lisa) (Entered: 09/20/2004)
09/22/2004	23	Judge Charles B. Swartwood : MEMORANDUM AND ORDER entered on the Government's Motion for Revocation of Matthew Dwinells' Release on Conditions, cc/cl. (Roland, Lisa) (Entered: 09/23/2004)
10/13/2004	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Matthew Dwinells held on 10/13/2004. Case called, Counsel (Sacco, Fried) appear by telephone, Counsel request additional time,

		Case continued, Time to be excluded. (9:50 a.) (Roland, Lisa) (Entered: 10/13/2004)
10/13/2004	24	Judge Charles B. Swartwood : STATUS REPORT as to Matthew Dwinells; Status Conference set for 11/16/2004 02:45 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 10/13/2004)
10/13/2004	25	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Matthew Dwinells; Time excluded from October 13, 2004 until November 16, 2004, cc/cl. (Roland, Lisa) (Entered: 10/13/2004)
11/16/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Matthew Dwinells held on 11/16/2004. Case called, Counsel (Sacco, Fried) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (2:42 P.) (Roland, Lisa) (Entered: 11/16/2004)
11/17/2004	26	Judge Charles B. Swartwood : STATUS REPORT as to Matthew Dwinells; Status Conference set for 12/16/2004 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/18/2004)
11/17/2004	27	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Matthew Dwinells ; Time excluded from November 16, 2004 until December 16, 2004, cc/cl. (Roland, Lisa) (Entered: 11/18/2004)
12/16/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Matthew Dwinells held on 12/16/2004. Case called, Counsel (Gottovi, Fried) appear by telephone, Case to be sent back to District Judge, Final Status Report to issue. (2:28 P.) (Roland, Lisa) (Entered: 12/16/2004)
12/17/2004	28	Judge Charles B. Swartwood : FINAL STATUS REPORT as to Matthew Dwinells, cc/cl. (Roland, Lisa) (Entered: 12/17/2004)
12/17/2004		Case as to Matthew Dwinells no longer referred to Charles B. Swartwood. (Roland, Lisa) (Entered: 12/17/2004)
12/20/2004	29	NOTICE OF HEARING as to Matthew Dwinells. Initial Pretrial Conference set for 1/5/2005 at 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 12/20/2004)

		12/20/2004)
01/05/2005	●	ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Initial Pretrial Conference as to Matthew Dwinells held on 1/5/2005 Jury Trial set for 5/16/2005 at 9:00 AM in Courtroom 19 before Judge Patti B. Saris. Final Pretrial Conference set for 5/10/2005 at 2:00 PM in Courtroom 19 before Judge Patti B. Saris. (Court Reporter Judith Twoomey.) (Alba, Robert) (Entered: 01/05/2005)
01/12/2005	●30	Judge Patti B. Saris : ORDER entered. PRETRIAL ORDER as to Matthew Dwinells Time excluded from January 5, 2005 until May 16, 2005. Jury Trial set for 5/16/2005 09:00 AM in Courtroom 19 before Judge Patti B. Saris. Final Pretrial Conference set for 5/10/2005 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 01/19/2005)
02/23/2005	●32	Letter to Judge Saris regarding his release as to Matthew Dwinells (Patch, Christine) (Entered: 03/01/2005)
02/28/2005	●31	MOTION to Reopen Detention Hearing and for Release on Conditions as to Matthew Dwinells. (Fried, Syrie) (Entered: 02/28/2005)
03/02/2005	●	Judge Patti B. Saris : Electronic ORDER entered. as to Matthew Dwinells re 32 Letter to Judge Saris. "If you lawyer wants to move for reconsideration, she may do so." (Patch, Christine) (Entered: 03/08/2005)
03/09/2005	●33	Opposition by USA as to Matthew Dwinells re 31 MOTION to Reopen Detention Hearing and for Release on Conditions, c/s. (Roland, Lisa) (Entered: 03/09/2005)
03/09/2005	●	Judge Charles B. Swartwood : Electronic ORDER entered granting 31 Motion as to Matthew Dwinells (1). "ALLOWED. Detention Hearing scheduled for 3/23/2005 @ 3:00 pm." cc/cl (Roland, Lisa) (Entered: 03/10/2005)
03/16/2005	●34	Joint MOTION to Continue Trial and to Exclude Time as to Matthew Dwinells. (Fried, Syrie) (Entered: 03/16/2005)
03/17/2005	●	NOTICE OF RESCHEDULING as to Matthew Dwinells; Detention Hearing set for 3/22/2005 03:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 03/17/2005)

03/17/2005	●	Judge Patti B. Saris : Electronic ORDER entered granting <u>34</u> Motion to Continue Trial and Exclude Time as to Matthew Dwinells (1). "Trial is rescheduled for 7/25/05 at 9:00 AM. All time is excluded under the Speedy Trial Act." (Patch, Christine) (Entered: 03/22/2005)
03/22/2005	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Detention Hearing as to Matthew Dwinells held on 3/22/2005. Case called, Counsel (Sacco, Gottovi, Fried), PTS Cuascut & Dft appear, Helen Dwinells called & sworn, Cross, Closing Arguments, Dft released on conditions. (3:35 P.) (Roland, Lisa) (Entered: 03/23/2005)
03/22/2005	● <u>35</u>	Judge Charles B. Swartwood : ORDER entered. ORDER Setting Conditions of Release as to Matthew Dwinells (1) 10,000 unsecured. (Jones, Sherry) (Entered: 03/23/2005)
03/22/2005	● <u>36</u>	unsecured Bond Entered as to Matthew Dwinells in amount of \$ 10,000, (Jones, Sherry) (Entered: 03/23/2005)
04/15/2005	●	Terminate Deadlines as to Matthew Dwinells: (Alba, Robert) (Entered: 04/15/2005)
04/15/2005	● <u>37</u>	NOTICE OF RESCHEDULED FINAL PRETRIAL CONFERENE as to Matthew Dwinells. The Final Pretrial Conference previously scheduled for May 10, 2005, has been rescheduled to July 19, 2005, at 2:00 p.m. NOTE: Trial was previously rescheduled to July 25, 2005. (Alba, Robert) (Entered: 04/15/2005)
06/28/2005	● <u>38</u>	NOTICE of Appearance by USA as to Matthew Dwinells (Cabell, Donald) (Entered: 06/28/2005)
06/29/2005	● <u>39</u>	NOTICE of Withdrawal of Appearance in case as to Matthew Dwinells. Attorney Dena T. Sacco terminated. (Sacco, Dena) (Entered: 06/29/2005)
07/16/2005	● <u>40</u>	Proposed Voir Dire by Matthew Dwinells (Fried, Syrie) (Entered: 07/16/2005)
07/18/2005	● <u>41</u>	MOTION in Limine <i>for instruction on intent element</i> as to Matthew Dwinellsby USA. (Cabell, Donald) (Entered: 07/18/2005)
07/18/2005	● <u>42</u>	MOTION in Limine <i>to admit evidence under Rule 404(b)</i> as to Matthew Dwinellsby USA. (Cabell, Donald) (Entered: 07/18/2005)

07/18/2005	43	Proposed Voir Dire by Matthew Dwinells (Fried, Syrie) (Entered: 07/18/2005)
07/19/2005	43	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Final Pretrial Conference as to Matthew Dwinells held on 7/19/2005. Counsel report that the case will go to trial on July 25 on Counts 1, 2 and 3, and defendant wishes to plea to Counts 4 and 5. Change of Plea Hearing set for 7/22/2005 at 11:30 AM in Courtroom 19 before Judge Patti B. Saris. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/19/2005)
07/20/2005	44	Supplemental MOTION in Limine on "intent" element as to Matthew Dwinells by USA. (Cabell, Donald) (Entered: 07/20/2005)
07/20/2005	45	Supplemental MOTION in Limine regarding admission of evidence under Rule 404(b) as to Matthew Dwinells by USA. (Cabell, Donald) (Entered: 07/20/2005)
07/20/2005	45	Judge Patti B. Saris: Electronic ORDER entered denying 42 Government's MOTION in Limine to admit evidence under Rule 404(b). "AFTER HEARING AND REVIEW OF THE PHOTOGRAPHS, THE MOTION TO ADMIT THE PHOTOGRAPHS IS DENIED ON THE GROUND THEY ARE UNFAIRLY PREJUDICIAL. I WILL RESERVE ON THE ISSUE OF WHETHER I ALLOW IN A DESCRIPTION OF THE PHOTOS UNTIL I SEE DEFENDANT'S OPPOSITION." (Alba, Robert) (Entered: 07/20/2005)
07/20/2005	46	MEMORANDUM in Opposition by Matthew Dwinells re 42 MOTION in Limine to admit evidence under Rule 404(b), 45 Supplemental MOTION in Limine regarding admission of evidence under Rule 404(b) (Fried, Syrie) (Entered: 07/20/2005)
07/20/2005	47	MOTION in Limine Regarding Transcripts as to Matthew Dwinells. (Fried, Syrie) (Entered: 07/20/2005)
07/20/2005	48	MOTION in Limine To Exclude Photographs as to Matthew Dwinells. (Fried, Syrie) (Entered: 07/20/2005)
07/20/2005	49	MOTION in Limine to exclude prior convictions as to Matthew Dwinells. (Fried, Syrie) (Entered: 07/20/2005)
07/20/2005	50	MOTION in Limine Regarding "buddy list" evidence as to Matthew Dwinells. (Fried, Syrie) (Entered: 07/20/2005)

07/21/2005	51	EXHIBIT/WITNESS LIST by USA as to Matthew Dwinells (Cabell, Donald) (Entered: 07/21/2005)
07/21/2005	52	MOTION to Travel <i>Hotel Expenses During Trial</i> as to Matthew Dwinells. (Fried, Syrie) (Entered: 07/21/2005)
07/22/2005	53	Proposed Jury Instructions by USA as to Matthew Dwinells (Cabell, Donald) (Entered: 07/22/2005)
07/22/2005	54	Proposed Voir Dire by USA as to Matthew Dwinells (Cabell, Donald) (Entered: 07/22/2005)
07/22/2005		Judge Patti B. Saris: Electronic ORDER entered granting <u>52</u> MOTION to Travel Hotel Expenses During Trial as to Matthew Dwinells. (Alba, Robert) (Entered: 07/22/2005)
07/22/2005		Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Change of Plea Hearing as to Matthew Dwinells held on 7/22/2005. Plea entered by Matthew Dwinells, Guilty Count 4s,5s. Court will accept defendant's plea after the trial on counts 1,2 and 3 has concluded. Trial to commence on July 25, 2005. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/22/2005)
07/22/2005	55	RESPONSE to Motion by USA as to Matthew Dwinells re <u>47</u> MOTION in Limine <i>Regarding Transcripts</i> , <u>48</u> MOTION in Limine <i>To Exclude Photographs</i> , <u>49</u> MOTION in Limine <i>to exclude prior convictions</i> , <u>50</u> MOTION in Limine <i>Regarding "buddy list" evidence</i> (Cabell, Donald) (Entered: 07/22/2005)
07/22/2005	56	Proposed Voir Dire by Matthew Dwinells (Fried, Syrie) (Entered: 07/22/2005)
07/22/2005	57	TRANSCRIPT of Final Pretrial Conference as to Matthew Dwinells held on July 19, 2005 before Judge Saris. Court Reporter: Nancy L. Eaton. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/633-5178 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/22/2005)
07/22/2005	58	Proposed Jury Instructions by Matthew Dwinells (Fried, Syrie) (Entered: 07/22/2005)
07/22/2005	59	EXHIBIT/WITNESS LIST by Matthew Dwinells (Fried, Syrie) (Entered: 07/22/2005)
07/24/2005	60	EXHIBIT/WITNESS LIST by USA as to Matthew Dwinells (Cabell, Donald) (Entered: 07/24/2005)

07/25/2005	●	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day One as to Matthew Dwinells held on 7/25/2005. Voir Dire conducted. Parties make opening statements. Government presents it's case. Court recesses at 1:00 p.m. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/25/2005)
07/26/2005	●	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Two as to Matthew Dwinells held on 7/26/2005. Court recesses at 1:00 p.m. Court to start at 11:15 a.m. on Wednesday, July 27. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/26/2005)
07/27/2005	●	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Three as to Matthew Dwinells held on 7/27/2005. Court recesses at 1:00 p.m. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/27/2005)
07/28/2005	●	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Four as to Matthew Dwinells held on 7/28/2005. Court recesses at 1:00 p.m. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/28/2005)
07/29/2005	●	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Five as to Matthew Dwinells held on 7/29/2005. Court recesses at 1:00 p.m. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 07/29/2005)
07/29/2005	●65	Judge Patti B. Saris : ORDER entered. as to Matthew Dwinells. "Pursuant to 18 U.S.C. Section 4285, this Court hereby orders the United States Marshals Service to provide Matthew Dwinells with hotel accommodations in the city of Boston for the purpose of his trial from Friday, July 29, 2005, through Friday, August 5, 2005." (Patch, Christine) (Entered: 08/04/2005)
07/29/2005	●67	MOTION for Judgment of Acquittal as to Matthew Dwinells. (Patch, Christine) (Entered: 08/09/2005)
08/01/2005	●	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Six as to Matthew Dwinells held on 8/1/2005. Counsel make closing arguments. Jury begins deliberations. Jury returns a verdict at 4:35 p.m. Verdict: Guilty on Count 1,2 and 3. Jury discharged. Defendant remanded to the custody of the U.S. Marshal. Sentencing set for 11/3/2005 at 2:00 PM in Courtroom 19 before Judge Patti

		B. Saris. (Court Reporter Nancy Eaton.) (Alba, Robert) (Entered: 08/01/2005)
08/01/2005	<u>61</u>	JURY VERDICT as to Matthew Dwinells. Guilty on Count 1s-3s. (Alba, Robert) (Entered: 08/01/2005)
08/01/2005	<u>62</u>	EXHIBIT LIST for Jury Trial held from 7/25/05 through 8/1/05 as to Matthew Dwinells. (Alba, Robert) (Entered: 08/01/2005)
08/01/2005	<u>63</u>	WITNESS LIST for Jury Trial held from 7/25/05 through 8/1/05 as to Matthew Dwinells. (Alba, Robert) (Entered: 08/01/2005)
08/01/2005	<u>64</u>	Judge Patti B. Saris : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Matthew Dwinells Sentencing set for 11/3/2005 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 08/03/2005)
08/04/2005	<u>66</u>	MOTION for Extension of Time to August 12, 2005 to File Rule 29 Motion as to Matthew Dwinells. (Fried, Syrie) (Entered: 08/04/2005)
08/05/2005		Judge Patti B. Saris : Electronic ORDER entered denying <u>67</u> Motion for Judgment of Acquittal as to Matthew Dwinells (1) (Patch, Christine) (Entered: 08/09/2005)
08/08/2005		Judge Patti B. Saris: Electronic ORDER entered granting <u>66</u> MOTION for Extension of Time to August 12, 2005 to File Rule 29 Motion as to Matthew Dwinells. (Alba, Robert) (Entered: 08/08/2005)
08/09/2005	<u>68</u>	MOTION for Acquittal <i>Memo In Support</i> as to Matthew Dwinells. (Fried, Syrie) (Entered: 08/09/2005)
08/09/2005	<u>69</u>	MEMORANDUM in Support by Matthew Dwinells re <u>67</u> MOTION for Judgment of Acquittal. Re-entered by court staff to correct data entry error. (Patch, Christine) (Entered: 08/11/2005)
08/11/2005		Motions terminated as to Matthew Dwinells: <u>68</u> MOTION for Acquittal <i>Memo In Support</i> filed by Matthew Dwinells., (Patch, Christine) (Entered: 08/11/2005)
08/11/2005		Notice of correction to docket made by Court staff. Correction: Document No. 68 terminated because: It was filed using the incorrect event. Please refer to Document No. 69 for corrected

		filing, as to Matthew Dwinells (Patch, Christine) (Entered: 08/11/2005)
08/12/2005	<u>70</u>	MOTION to Continue <i>Sentencing Hearing</i> as to Matthew Dwinells. (Fried, Syrie) (Entered: 08/12/2005)
08/15/2005	●	Judge Patti B. Saris : Electronic ORDER entered granting <u>70</u> Motion to Continue Sentencing as to Matthew Dwinells (1). "The Sentencing is continued to December 14, 2005 at 2:00 PM." (Patch, Christine) (Entered: 08/17/2005)
08/17/2005	●	Set/Reset Hearings as to Matthew Dwinells: Sentencing set for 12/14/2005 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 08/17/2005)
08/24/2005	<u>71</u>	First MOTION for Extension of Time to 09/12/2005 to File Response/Reply to <i>motion for judgment of acquittal</i> as to Matthew Dwinells by USA. (Cabell, Donald) (Entered: 08/24/2005)
08/25/2005	●	Judge Patti B. Saris: Electronic ORDER entered granting <u>71</u> First MOTION for Extension of Time to 09/12/2005 to File Response/Reply to motion for judgment of acquittal. (Alba, Robert) (Entered: 08/25/2005)
09/06/2005	<u>72</u>	Letter to Judge Saris regarding his case as to Matthew Dwinells (Patch, Christine) (Entered: 09/08/2005)
09/19/2005	<u>73</u>	RESPONSE to Motion by USA as to Matthew Dwinells re <u>67</u> MOTION for Acquittal, <u>68</u> MOTION for Acquittal <i>Memo In Support</i> (Cabell, Donald) (Entered: 09/19/2005)
11/22/2005	<u>74</u>	MOTION to Continue <i>Sentencing Hearing</i> as to Matthew Dwinells. (Fried, Syrie) (Entered: 11/22/2005)
11/28/2005	<u>75</u>	MOTION to Continue <i>Sentencing Hearing</i> as to Matthew Dwinells. (Fried, Syrie) (Entered: 11/28/2005)
12/01/2005	●	Judge Patti B. Saris : Electronic ORDER entered granting <u>75</u> Motion to Continue Sentencing as to Matthew Dwinells (1) Sentencing set for 2/14/2006 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 12/05/2005)
12/01/2005	●	Judge Patti B. Saris : Electronic ORDER entered finding as moot <u>74</u> Motion to Continue Sentencing as to Matthew Dwinells (1) (Patch, Christine) (Entered: 12/05/2005)

12/22/2005	<u>76</u>	MOTION to Seal as to Matthew Dwinells. (Patch, Christine) (Entered: 12/23/2005)
12/22/2005	<u>77</u>	MOTION for One-Day Release for Psychological Testing in Preparation for Sentencing as to Matthew Dwinells. (Patch, Christine) (Entered: 12/23/2005)
12/23/2005		Judge Patti B. Saris : Electronic ORDER entered denying <u>76</u> Motion to Seal as to Matthew Dwinells (1) (Patch, Christine) (Entered: 12/23/2005)
12/23/2005		Judge Patti B. Saris : Electronic ORDER entered re <u>77</u> Motion for One-Day Release for Psychological Testing in Preparation for Sentencing as to Matthew Dwinells (1). "Walpole shall allow the computer in unless it demonstrates good cause to this Court." (Patch, Christine) (Entered: 12/23/2005)
12/23/2005		Motions terminated as to Matthew Dwinells: <u>77</u> MOTION to Modify Conditions of Release filed by Matthew Dwinells,. (Patch, Christine) (Entered: 12/23/2005)
01/27/2006	<u>78</u>	MOTION to Continue <i>Sentencing Hearing</i> as to Matthew Dwinells. (Fried, Syrie) (Entered: 01/27/2006)
01/31/2006		Judge Patti B. Saris: Electronic ORDER entered denying <u>78</u> MOTION to Continue Sentencing Hearing as to Matthew Dwinells. "Denied." (Alba, Robert) (Entered: 01/31/2006)
02/13/2006	<u>79</u>	MOTION for Downward Departure <i>and Memorandum in Aid of Sentencing</i> as to Matthew Dwinells. (Attachments: # <u>1</u>) (Fried, Syrie) (Entered: 02/13/2006)
02/14/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris :Sentencing held on 2/14/2006 for Matthew Dwinells (1), Count(s) 1s-3s, 4s, 5s, Court sentences defendant to 51 months imprisonment, 24 months supervised release w/ conditions, \$500 special assessment. Defendant informed of right of appeal. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 02/14/2006)
02/16/2006		Reopen Document as to Matthew Dwinells <u>68</u> MOTION for Acquittal <i>Memo In Support</i> (Patch, Christine) (Entered: 02/16/2006)
02/16/2006		Notice of correction to docket made by Court staff. Correction: Document No. 68 reopened because it is a valid motion incorrectly titled as a Memorandum of Law as to Matthew

		Dwinells. Document No. 69 is moot. (Patch, Christine) (Entered: 02/16/2006)
03/02/2006	80	Judge Patti B. Saris : ORDER entered as to Matthew Dwinells denying 68 MOTION for Acquittal <i>Memo In Support</i> filed by Matthew Dwinells. (Patch, Christine) (Entered: 03/03/2006)
03/09/2006	81	NOTICE OF APPEAL by Matthew Dwinells NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/29/2006. (Fried, Syrie) (Entered: 03/09/2006)
03/09/2006	82	Judge Patti B. Saris : ORDER entered. JUDGMENT as to Matthew Dwinells (1), Count(s) 1s-3s, Defendant was found guilty after a plea of not guilty. Defendant committed to the custody of the US Bureau of Prisons to be imprisoned for a total term of 51 months. The Court makes a recommendation to FMC Devens for the Sec Offender Treatment Program, mental health counseling, and if available, drug abuse treatment program (not the 500 hour program). Defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of 24 months with conditions (mental health treatment, drug abuse treatment). The \$500.00 Special Assessment is due immediately.; Count(s) 4s, Defendant committed to the custody of the US Bureau of Prisons to be imprisoned for a total term of 51 months. The Court makes a recommendation to FMC Devens for the Sec Offender Treatment Program, mental health counseling, and if available, drug abuse treatment program (not the 500 hour program). Defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of 24 months with conditions (mental health treatment, drug abuse treatment). The \$500.00 Special Assessment is due immediately.; Count(s) 5s, Defendant committed to the custody of the US Bureau of Prisons to be imprisoned for a total term of 51 months. The Court makes a recommendation to FMC Devens for the Sec Offender Treatment Program, mental health counseling, and if available, drug abuse treatment program (not the 500 hour program). Defendant is remanded to the custody of the United States Marshal. Upon

	release from imprisonment, the defendant shall be on supervised release for a term of 24 months with conditions (mental health treatment, drug abuse treatment). The \$500.00 Special Assessment is due immediately. (Patch, Christine) (Entered: 03/09/2006)
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